



House of Representatives

General Assembly

File No. 469

January Session, 2005

Substitute House Bill No. 6823

House of Representatives, April 20, 2005

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ACCOUNTABILITY IN EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2005*) (a) As used in this section:
- 2 (1) "Tenure" means the status of a personnel position with respect to
- 3 permanence of the position;
- 4 (2) "Tenure track faculty" means faculty who hold a personnel
- 5 position that leads to consideration for tenure;
- 6 (3) "Full-time faculty" means (A) faculty who are employed full time
- 7 and whose major regular assignment is instruction, including those
- 8 with released time for research, and (B) staff who are employed full
- 9 time holding positions in which teaching, research and public service
- 10 are integral components;
- 11 (4) "Temporary faculty" means all full-time faculty who are neither

12 tenured faculty nor tenure track faculty, including, but not limited to,
13 those (A) who work on a semester or annual basis, (B) whose position
14 requires renewal on a semester or annual basis, or (C) whose position
15 has a finite end date or is nonrenewable;

16 (5) "Part-time faculty" means faculty who are employed less than
17 full time and are not entitled to benefits that full-time employees of the
18 institution of higher learning, as defined in subsection (a) of section
19 10a-34 of the general statutes, receive;

20 (6) "Graduate teaching assistant" means a person who (A) teaches
21 students courses, parts of courses, supplements to courses or provides
22 other instructional activities to students enrolled at the institution of
23 higher learning, and (B) is enrolled in a post-baccalaureate degree
24 program at the institution of higher learning;

25 (7) "Race and ethnicity" means "race and ethnicity" as defined by the
26 Integrated Postsecondary Education Data System for the United States
27 Department of Education's National Center for Education Statistics;

28 (8) "Nonresident alien" means a person who is not a citizen and who
29 is in this country on a visa or temporary basis and does not have the
30 right to remain indefinitely;

31 (9) "Matriculating students" means the group of students who enroll
32 in academic programs at an institution of higher learning; and

33 (10) "Graduation rate" means the portion of students who enroll in
34 an institution of higher learning and complete the program or the
35 degree for which they initially enrolled.

36 (b) Each institution of higher learning that receives an application
37 for admission from any resident of this state shall include in the
38 materials it sends to that applicant a report that discloses:

39 (1) The number of faculty separated into groups of tenured faculty,
40 tenure track faculty, temporary faculty, part-time faculty and graduate
41 teaching assistants employed by the institution of higher learning, by

42 race, ethnicity, nonresident alien status and gender;

43 (2) For tenured faculty and tenure track faculty, the number who
44 were hired by the institution of higher learning during the previous
45 year and the number of applicants for tenured positions and tenure
46 track faculty positions in each academic department grouped by race,
47 ethnicity, nonresident alien status and gender.

48 (3) At institutions of higher learning that use graduate teaching
49 assistants, the number of doctor of philosophy degree program
50 applicants, matriculating doctor of philosophy degree program
51 students and graduating students with a doctor of philosophy degree,
52 grouped by academic department and within each department
53 described and categorized by race, ethnicity, nonresident alien status
54 and gender.

55 (4) The graduation rate of students within each degree program and
56 academic department described and categorized by race, ethnicity,
57 nonresident alien status and gender.

58 (c) The information contained in the report pursuant to subsection
59 (b) of this section shall be annually updated no later than October first
60 for the academic year ending in the spring or summer of the same
61 calendar year. The institution of higher learning shall post the annually
62 updated information and the information from the three previous
63 years on any Internet web site such institution of higher learning
64 operates, except that no information need be posted for years prior to
65 2005. Such information shall be posted on the front page of any such
66 site or shall be available through a link from the front page of any such
67 site directly to such information.

68 (d) The provisions of this section shall not be construed to require
69 the public disclosure of any individual's identity, race, ethnicity,
70 nonresident alien status or gender, except as part of an aggregate
71 statistical report of an institution of higher learning's or department's
72 composition.

73 (e) Compliance with the provisions of this section is a condition for
74 receiving any direct or indirect goods, services or funding from the
75 state.

76 (f) No provisions of this section shall be construed to diminish or
77 impair the rights of a person under the Family Educational Rights and
78 Privacy Act, 20 USC 1232g, or a federal or state employment law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	New section

ED *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Constituent Units of Higher Education	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill results in a cost to the constituent units of higher education by requiring the compilation of a report concerning various institutional measures and the distribution of the report to all student applicants for admission. The costs, which would be minimal in the scope of the entire institutional budget, would include production and mailing cost increases. It is anticipated that the costs associated with the provision of this information could be accommodated within existing resources.

OLR Bill Analysis

sHB 6823

AN ACT CONCERNING ACCOUNTABILITY IN EDUCATION**SUMMARY:**

This bill requires institutions of higher learning that receive admissions' applications from Connecticut residents to compile data about faculty and students, broken down by race, ethnicity, non-resident alien status, and gender; provide the information to applicants; and make it available on their web sites.

EFFECTIVE DATE: July 1, 2005

DATA

The bill requires institutions of higher learning that receive applications for admission from any Connecticut resident to compile a report that discloses the following data, grouped by race, ethnicity, non-resident alien status, and gender:

1. the number of tenured tenure-track, temporary, and part-time faculty and of graduate teaching assistants;
2. for each academic department, the number of tenured and tenure-track faculty who applied or were hired during the previous year;
3. for each academic department at institutions that use graduate teaching assistants, the number of Ph.D program applicants, matriculating Ph.D students, and graduating Ph.D students; and
4. the graduation rate of students in each degree program and academic department.

The law defines an institution of higher learning as any person, school, board, association, limited liability company, or corporation that is

licensed or accredited to offer one or more programs of higher learning leading to one or more degrees.

DEFINITIONS

The bill defines a number of terms.

"Tenure" means the status of a personnel position with respect to its permanence.

"Tenure-track faculty" are faculty members whose personnel position leads to consideration for tenure.

"Full-time faculty" are (1) faculty who are employed full time and whose major regular assignment is instruction, including those with released time for research, and (2) staff who are employed full time in positions in which teaching, research, and public service are integral components.

"Temporary faculty" includes all full-time faculty who are neither tenured or tenure-track faculty, including those (1) who work on a semester or annual basis, (2) whose position requires renewal on a semester or annual basis, or (3) whose position has a finite end date or is nonrenewable.

"Part-time faculty" are faculty employed less than full time and not entitled to benefits that full-time employees receive.

"Graduate teaching assistant" is a person who (1) teaches courses, parts of courses, or supplements to courses or provides other instructional activities to students enrolled at the institution of higher learning, and (2) is enrolled in a post-baccalaureate degree program at the institution.

"Race and ethnicity" means "race and ethnicity" as defined by the Integrated Postsecondary Education Data System (IPEDS) for the U.S. Department of Education's (DOE) National Center for Education Statistics.

"Nonresident alien" is a non-citizen who is in this country on a visa or temporary basis without the right to remain indefinitely.

"Matriculating students" are those who enroll in academic programs at an institution.

"Graduation rate" means the portion of matriculating students who complete the program or the degree for which they initially enrolled.

REPORTING REQUIREMENTS

The information must be put into a report that must be included in the materials sent to all Connecticut applicants. The data must be updated annually by October 1 for the school year ending in the previous spring or summer. The annually updated data and the data from the previous three years must be posted on the front page of any web site operated by the institution. Alternatively, an institution can provide a direct link from the web site to the data. Institutions are not required to post data for any year before 2005.

COMPLIANCE

The bill makes compliance with the reporting requirements a condition for receiving any direct or indirect goods, services, or funding from the state. However, the bill provides that the requirements should not be construed to require public disclosure of any individual's identity, race, ethnicity, non-resident alien status, or gender, except as part of an aggregate statistical report of an institution's or department's composition. Also, provisions of the bill cannot be construed to violate the Family Educational Rights and Privacy Act (FERPA), a federal law that protects the privacy of student education records, or federal or state employment law. The bill does not list any specific employment law statutes.

BACKGROUND

"Race and Ethnicity"

There are currently two definitions for "race and ethnicity" in the U.S. DOE's National Center for Education Statistics IPEDS Glossary. Under the "old definition" an individual must designate race/ethnicity from a list. A person may be counted in only one group. Under the new definition, developed in 1997 by the Office of Management and Budget, individuals are first asked to designate their ethnicity as either "Hispanic or Latino" or "Not Hispanic or Latino" and are then asked to designate all races that apply. It appears that institutions currently

use the “old definition” for reporting purposes.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 24 Nay 2